Relationship to Existing Regulations

Colorado's Memorandum of Agreement requires agencies that regulate sources or activities not covered under the New Water Quality Act to have regulations "essentially equivalent" to CDH requirements. All other regulations must result in the performance standard element of the program. Performance standards for sources and activities covered in the program are being developed to ensure protection of ground water quality in Use Categories 1 and 2.

Appendix C to this report contains the following information relating to regulations protecting Colorado's ground water:

1. Activities with an impact on ground water to be controlled by the new program, ranked in order of potential for causing contamination (11 activities).
2. Activities that may have an impact on ground water but for which adequate information is not yet available to evaluate specific impacts (12 activities).
3. Activities that may have an impact on ground water but that are specifically covered by other state or federal regulatory programs (18 activities).
4. Activities exempted from coverage under the ground water quality control program (3 activities). These activities still must meet performance standards to the extent that water rights are not materially injured.

Application of the Program

Site-specific studies are required by potential dischargers in all cases. Factors considered are existing uses of ground water, potential uses, geologic conditions, water quality, and other factors as appropriate.

If a facility is considered to be a potential source of contamination, the owners are requested by CDH to monitor for ground water quality impact. If monitoring confirms contamination, CDH requires the owners or operators to propose and implement a remedial action plan.

Owners or operators of a proposed facility must make a site review. Initially, the TDS is used to determine Use Category designation. Then, on a site-specific basis, the Use Category designation is refined to consider other factors such as potential ground water use, geologic conditions, and other conditions. This site review then becomes the basis for CDH action.

